

PLEA: Nolo contendere.

DISPOSITION: 5-14-62. \$1,000 fine.

28450. Apple jelly. (F.D.C. No. 47507. S. No. 11-281 T.)

QUANTITY: 74 cases, 12 12-oz. jars each, at Youngstown, Ohio.

SHIPPED: 1-19-62 and 3-27-62, from Fredonia, N.Y., by Red Wing Co., Inc.

LABEL IN PART: (Jar) "Jellies Orchard Park Cinnamon Flavored Apple Certified Color Added Orchard Park Foods, Inc., Buffalo, N.Y.—Distributor."

RESULTS OF INVESTIGATION: Examination showed that the article contained a noncertified coal-tar color, namely, External D&C Red No. 15 (formerly FD&C Red No. 1) not listed for coloring foods.

LIBELED: 5-29-62, N. Dist. Ohio.

CHARGE: 402(c)—when shipped, the article contained a color additive, namely, a noncertified coal-tar color, which was unsafe within the meaning of section 706(a) since its use or intended use was not in conformity with a regulation or exemption in effect pursuant to section 706.

DISPOSITION: 8-13-62. Default—destruction.

28451. Pineapple preserves. (F.D.C. No. 46531. S. No. 15-250 T.)

QUANTITY: 2,167 cases, 12 2-lb. jars each, at Columbus, Ohio.

SHIPPED: 7-10-61, from Brooklyn, N.Y.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing progressive decomposition.

LIBELED: 11-13-61, S. Dist. Ohio.

CHARGE: 402(a) (3)—contained decomposed pineapple material while held for sale.

DISPOSITION: 1-12-62; amended decree 2-16-62. Consent—claimed by Fruitcrest Corp., Brooklyn, N.Y. Segregated; 751 jars destroyed.

VEGETABLES AND VEGETABLE PRODUCTS*

28452. Dried Great Northern beans. (F.D.C. No. 47805. S. No. 68-096 T.)

QUANTITY: 22 100-lb. bags at Springfield, Mo., in possession of Ozark Wholesale Supply Co., Inc.

SHIPPED: 10-20-61 and 1-3-62, from Denver, Colo.

LIBELED: On or about 7-20-62, W. Dist. Mo.

CHARGE: 402(a) (3)—contained rodent urine; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 9-18-62. Default—destruction.

28453. Dried lima beans and dried kidney beans. (F.D.C. No. 47426. S. Nos. 17-084 T, 17-094 T.)

QUANTITY: 66 100-lb. bags of lima beans and 366 100-lb. bags of kidney beans, at Austin, Ind., in possession of Morgan Packing Co.

SHIPPED: 12-29-61 and 2-8-62, from San Francisco, Calif.

LIBELED: 4-6-62, S. Dist. Ind.

CHARGE: 402(a) (4)—held under insanitary conditions.

*See also No. 28404.

DISPOSITION: 8-6-62. Consent—claimed by Morgan Packing Co. and reconditioned.

28454. Black-eyed peas. (F.D.C. No. 47823. S. Nos. 63-721/3 T, 63-800 T.)

QUANTITY: 56 bales of 24 1-lb. bags, 12 bales of 12 2-lb. bags, and 4 bales of 12 2-lb. bags, at Columbus, Ga.

SHIPPED: 3-20-62 and 5-8-62, from Memphis, Tenn., and Dallas, Tex.

• LIBELED: 8-9-62, M. Dist. Ga.

CHARGE: 402(a)(3)—contained insects, insect larvae, and insect parts while held for sale.

DISPOSITION: 10-23-62. Default—destruction.

28455. Canned hominy. (F.D.C. No. 47787. S. No. 80-410 T.)

QUANTITY: 130 cases, each containing 24 15-oz. cans, at Sherman, Tex.

SHIPPED: 6-11-62, from Muskogee, Okla., by Griffin Manufacturing Co.

LABEL IN PART: (Can) "Griffin's Golden Hominy * * * Griffin Manufacturing Company Packers and Distributors Muskogee, Oklahoma."

LIBELED: 7-6-62, E. Dist. Tex.

CHARGE: 402(a)(3)—contained insect larvae and insect parts when shipped.

DISPOSITION: 10-24-62. Consent—delivered to a public institution for use as animal feed.

28456. Sauerkraut. (F.D.C. No. 45456A. S. No. 46-974 R.)

QUANTITY: 344 cases, 12 1-qt. jars each, at Toledo, Ohio.

SHIPPED: 2-1-61, from Bridgeport, Mich., by Crown Foods, Inc.

LABEL IN PART: (Jar) "Crown * * * Barrel Sauer Kraut 1 Qt. Fl."

LIBELED: 3-14-61, N. Dist. Ohio; amended libel 10-26-61.

CHARGE: 402(b)(1)—when shipped, the valuable constituent, sauerkraut, had been in part omitted or abstracted from the article; 402(b)(2)—a mixture of salt brine had been substituted in part for the article; 403(a)—the label statement "Fresh Bulk" was false and misleading as applied to a processed product not packed in bulk form; 403(i)(2)—the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient, in that its label failed to declare the presence in such article of water and acetic acid; and 403(k)—the article contained sulfur dioxide, a chemical preservative, and its label failed to state the fact that sulfur dioxide is a chemical preservative.

DISPOSITION: 4-25-62. Default—delivered to a charitable institution.

28457. Fresh mustard greens. (F.D.C. No. 47815. S. No. 442 R.)

QUANTITY: 10 crates, each containing 2 dozen bunches, at El Paso, Tex.

SHIPPED: 7-20-62, from Pueblo, Colo., by Ciruli Bros.

LIBELED: 7-31-62, W. Dist. Tex.

CHARGE: 402(a)(2)(B)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, chlordane, which was unsafe within the meaning of 408(a) since no tolerance or exemption from the requirement of a tolerance for chlordane on mustard greens had been prescribed by regulations.

DISPOSITION: 8-9-62. Consent—destruction.